

### REMARKS

This application has been reviewed in light of the Office Action dated October 18, 2002. Claims 1, 3-8, 10-15, 17-19, 21-26, 28, and 29 are presented for examination, of which Claims 1, 8, 15, 19, and 26 are independent.

A Letter Transmitting Corrected Formal Drawing is submitted herewith, incorporating the changes depicted in Request For Approval To Make Drawing Changes, dated June 20, 2001, and approved by the Examiner in the above-identified Office Action.

Initially, Applicant notes the reference on page 2 of the Office Action, "the Examiner cannot find in the claim language that the first identification information conveys information relating to copyright." Applicant respectfully directs the Examiner to the recitation in Claim 1 that the first identification information conveys information relating to copyright, and especially to line 3 of that claim, which states "first identification information relating to a copyright . . ."

Claims 1, 3-8, 10-15, 17-19, 21-27, 28 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,257,119 (*Funada*) in view of U.S. Patent 5,822,660 (*Wen*).

The aspect of the present invention set forth in Claim 1 is an image processing apparatus including hiding means, which forms second identification information not easily recognizable with the eye and different in form from first identification information relating to a copyright and also not easily recognizable with the eye. The hiding means sets the second identification information in image data containing the first identification information. The first identification information is formed by a first color signal, and the hiding means comprises color conversion means which performs color

conversion of the image data, and forming means which forms the second identification information by a second color different from the first color signal forming the color-converted first identification information in the color-converted image data.

The applied art, alone or in combination, is not seen to disclose or suggest the invention as defined by independent Claim 1, particularly with respect to a first identification information formed by a first color signal, and . . . forming means which forms the second identification information by a second color different from the first color signal forming the color-converted first identification information in the color-converted image data.

*Funada* relates to an image processing apparatus which analyzes the color-distribution or color-tone characteristics of an original, and compares the observed characteristics of the original with pre-stored color-characteristic profiles of various types of documents that may not be copied (banknotes, securities, etc.; see col. 6). If a match occurs between the observed characteristics of the original and one of the pre-stored profiles, the apparatus does not actually prevent or inhibit the operator from making the (presumably illicit) copy of the original, but adds to the copy information that can be used in identifying the machine on which the copy was made (for example, the machine's ID number, or the user's ID number). This information is preferably added in a manner that makes it hard for the additional information to be perceived by the naked eye. *Funada* discusses doing this by forming an image of the additional information in yellow, a color which it is difficult for the naked eye to discern against a white background.

However, nothing has been found, or pointed out in, in *Funada* that would disclose or suggest a first identification information formed by a first color signal, and

forming means which forms the second identification information by a second color different from the first color signal forming the color-converted first identification information in the color-converted image data, as recited in Claim 1.

For at least this reason, independent Claim 1 is believed clearly patentable over *Funada*, taken alone.

*Wen* is cited in the Office Actions as teaching what *Funada* does not, i.e., first identification information. *Wen* relates to a copy protection method for identifying copied images that have been captured or generated in electronic form. In the *Wen* method, an original such as a photograph is scanned, and the system generates information in electronic form for causing the printing of copy restrictive information as a plurality of continuous pixels, of substantially yellow color, onto the hard copy (Fig. 4; a variant, in which the original is an image acquired by an electronic camera, is shown in Fig. 5). The visibility of the yellow pixels is very low until a cyan illumination is applied to the protected image, and then the copy restrictive information becomes highly visible. (From the discussion of *Wen* in the previous Office Actions, it is understood that the Examiner concurs with this reading of *Wen*.)

As understood by Applicant, the outstanding rejection is based on the reasoning in paragraph 3 of the Office Action mailed on December 20, 2000, to the effect that it would have been obvious to modify the system of *Funada* by utilizing information like the copyright information that is generated and added by the *Wen* apparatus. In particular, current Claim 1 is rejected based on the grounds rejecting original Claim 2. In that rejection of original Claim 2, the Office Action mailed on December 20, 2000 alleges

that *Funada* forms a second identification information pattern that represents a machine's serial number by a second color signal different (*Funada*: the determination circuit will determine which color signal R or G or B) will be used to add to the image at specific location; column 4, line 64 to column 5, line 29) from the first color signal (*Wen*: yellow color in column 4, lines 34-42). However, Applicant respectfully disagrees with this understanding of *Funada*, and submits that *Funada* adds copy information, such as a machine's serial number, in yellow (column 8, lines 30-34), a color which it is difficult for the naked eye to discern against a white background. In the current Office Action on page 2, the Examiner concedes that *Funada* teaches adding a particular pattern with yellow toner. In contrast, the cited portion of *Funada*, referred to in the Office Action dated December 20, 2000, merely describes how the determination circuit 409 discriminates particular kinds of originals to determine that at least one of predetermined particular kinds of originals is being read and outputs the determination results (column 4, lines 64-67). *Funada* and *Wen* may each teach the use of a different identification code, but, each of these references is merely directed to the use of a single identification code, printed in a single color (yellow), and there is no motivation in either reference for combining them to use two different identification codes and printing each code in a different color on a single document, as recited in Claim 1. Accordingly, even if both *Funada* and *Wen* disclose adding a mark of some kind to an image, where the color of the mark in both instances is yellow, nothing has been found, or pointed out in *Funada* or *Wen* that would disclose or suggest a first identification information formed by a first color signal, and forming means which forms the second identification information by a second color different from the first converted image data, as recited in Claim 1.

Further, Applicant reiterates his previous argument that both *Funada* and *Wen* have to do with adding a mark of some kind to an image, and neither is seen to teach or suggest adding one mark in response to detection of a different mark. The only detecting noted is that which occurs in the *Funada* system and is discussed above, in which what is detected is the color-tone of the original, rather than a mark like that provided by the *Wen* device. Thus, even if one of ordinary skill received a suggestion, or were otherwise motivated in some fashion, to combine those two patents, the result of such combination would be simply a system capable of adding a copyright mark or the like to an image, as is done by the *Wen* system, and capable also of adding a mark identifying the machine ID, user ID or the like to a copy of an original responsive to detection that the original matches a pre-stored color tone profile. Nothing in such combination, however, would correspond to the hiding means of Claim 1, which adds second information based on detection of the recited “first identification information that is not easily recognizable with eye”.

Therefore, even if *Funada* and *Wen* were to be combined in the manner proposed in the Office Action, assuming such combination would even be permissible, the resulting combination still would fail to teach or suggest those features of Claim 1.

Accordingly, for at least these reasons, Applicant submits that Claim 1 is clearly allowable over *Funada* and *Wen*, whether considered separately or in combination.

Independent Claims 8, 15, 19 and 26 recite features similar to those recited in Claim 1 and are thought to be patentable for the same reasons.

The other claims in this application are each dependent from one or another of the independent claims discussed above, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of

the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
Attorney for Applicant

Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY-MAIN 334323